

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KENNETH CREIGHTON,

Plaintiff,

-against-

Docket #: 12-CV-7454
(PGG)(DCF)

THE CITY OF NEW YORK, DETECTIVE DEAN ROBERTS
(Shield No. 05861), DETECTIVE GLENN GODINO
(Shield No. 2756), POLICE OFFICERS JOHN DOES 1-10
(names being fictitious and presently unknown and intended
to be employees of the NYPD who were involved in Plaintiff's
arrest, detention, imprisonment, and/or prosecution),
DISTRICT ATTORNEY ROBERT T. JOHNSON,
ASSISTANT DISTRICT ATTORNEY BRUCE BIRNS
A/K/A BURNS, ASSISTANT DISTRICT ATTORNEY ED
TALTY a/k/a ED TULTY and ASSISTANT DISTRICT
ATTORNEY MICHAEL COOPER,

**PLAINTIFF'S NOTICE
OF MOTION FOR
SANCTIONS
PURSUANT TO
FED.R.CIV.P. 37**

Defendants.
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PLEASE TAKE NOTICE that upon the annexed Memorandum of Law, the Declaration of Richard Gross dated June 27, 2016, and the exhibits annexed thereto, plaintiff, Kenneth Creighton, will move this Court for an order, pursuant to Fed.R.Civ.P. 37: 1) entering judgment against defendants for spoliation, destruction and alteration of crucial evidence; or, in the alternative 2) directing that the DVD provided by defendants during discovery conclusively establishes that the person shown in the video passing an object to Dior is not plaintiff, Kenneth Creighton; or, in the alternative 3) directing that the Court, at trial, give binding instructions to the jury to infer that the original videotape and missing DD5s would be both relevant and favorable to the plaintiff's case; and 4) for any such other and further relief as the Court deems just and proper.

Dated: New York, New York

June 27, 2016

PAZER, EPSTEIN & JAFFE, P.C.

Attorneys for Plaintiff
20 Vesey Street, Suite 700
New York, New York 10007
(212) 227-1212

RUBERT & GROSS, P.C.

Attorneys for Plaintiff
150 Broadway, Suite 712
New York, New York 10003
(212) 608-3103



RICHARD GROSS

TO: ZACHARY W. CARTER
Corporation Counsel
100 Church Street
New York, New York 10007
(212) 356-2351
Attn: Gavin Thadani